IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 1645 of 2007(U)

PETITIONER:

LEELAVATHY, W/O. LATE VASU,
PORIYANI HOUSE, MUNDUR, PALAKKAD TALUK.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD,
VIDYUTH BHAVAN, PATTOM, THIRUVANANTHAPURAM,
REP. BY ITS SECRETARY.

2. THE ASST. EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KERALA STATE ELECTRICITY
BOARD, KOONGAD, PALAKKAD.

3. THE ADDITIONAL DISTRICT MAGISTRATE,
PALAKKAD.

4. SIVADAS, S/O.LATE RAGHAVAN MASTER,
PORIYANI, MUNDUR POST, PALAKKAD.

5. THE DISTRICT COLLECTOR, PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN – FOR R4
ADV. SHRI. JOSE J MATHIEKAL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 1645 of 2007

Dated, this the 1st day of June, 2007

J U D G M E N T

Heard learned counsel for petitioner, learned Standing Counsel for KSEB and the learned counsel appearing for 4th respondent.

2. Prayer in the WP(C) is for a direction to shift the electric line drawn for giving connection to 4th respondent. The electric line does not pass through petitioner's property but some branches of trees over hanging from petitioner's property need to be cut. Petitioner apprehends cutting of fresh branches as and when the trees grow further and hence this WP(C) is filed. Learned counsel for the petitioner stated that if one post is shifted and adjusted by 6 m., cutting of much of the branches could be avoided. However, learned counsel for the respondents contended that the attempt of the petitioner is to change the course of the line through the property of one Balakrishnan. There is no justification to order shifting of line now passing over the pathway to the property of another person, who is not a party in this WP(C). However, if course of the line can be slightly changed, retaining it over the

pathway and helping the petitioner by avoiding cutting of trees / branches, I feel same should be done. 2nd respondent is therefore directed to inspect the location and shift the line to the extreme end of the pathway i.e. without passing over the property of any other person, if the same achieves in avoiding cutting of trees / branches in petitioner's property. If any cost is required, petitioner will pay the same for shifting. If shifting is possible, the same should be done within one month from the date of production of a copy of this judgment and on petitioner remitting the reasonable cost for the same.

This WP(C) is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg